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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,873	10/18/2001	Mikey Andrew Davis	AUS920010084US1	7089
35525	7590	02/15/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			CLARK, ISAAC R	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/981,873

Applicant(s)

DAVIS ET AL.

Examiner

Isaac R Clark

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/14/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/16/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-29 are presented for examination.

#### ***Priority***

2. The effective filing date for the subject matter in the pending claims in this application is 10/18/2001.

#### ***Drawings***

3. The Examiner contends that the drawings submitted on 10/18/2001 are acceptable for examination proceedings.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6, 17, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As per claim 6, claim 6 recites the limitation "the universal resource locator" in lines 23-24. There is insufficient antecedent basis for this limitation in the claim because more than one universal resource locator is introduced in claim 6 (page 19, lines 22-23) and in claim 1 (page 19, lines 4-5) on which claim 6 depends.

7. As per claim 17, claim 17 recites the limitation "the universal resource locator" in lines 1-2 on page 23. There is insufficient antecedent basis for this limitation in the claim because more than one universal resource locator is introduced in claim 17 (page 22, line 26) and in claim 12 (page 22, lines 1-2) on which claim 17 depends.

8. As per claim 26, claim 26 recites the limitation "the universal resource locator" on lines 3 of page 25. There is insufficient antecedent basis for this limitation in the claim because more than one universal resource locator is introduced in claim 26 (page 24, line 27) and in claim 21 (page 24, line 3) on which claim 26 depends.

9. Claims 6, 17, and 26 each recite the limitation "the selected applications". There is insufficient antecedent basis for this limitation in the claim because only a single selected application is described in the claim. For the purpose of examining the claims, "the selected applications" is construed as referring to the single selected application described in the claim.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 3, 10, 12, 14, 21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiang (US Published Application 2001/0047477).

12. As per claim 1, Chiang discloses a method in a data processing system for managing access to a set of applications associated with a universal resource locator, the method comprising (Paragraph 0055: set of applications are individual instances of a selected application): receiving a request, wherein the request includes the universal resource locator (Paragraph 0054) and a user identification (Fig. 4, block 403); and

directing the request to a selected application within the set of applications using the universal resource locator and the user identification (Paragraph 0054: user identification converted to JVLSession cookie; Paragraph 0055: URL plus session cookie direct to a specific application instance).

13. As per claim 3, Chiang discloses the method of claim 1, wherein the user identification is a user name located within the request (Paragraph 0055: user name entered to authenticated user and generate session cookie).

14. As per claim 10, Chiang teaches a data processing system comprising:  
a bus system; a communications unit connected to the bus system; a memory connected to the bus system, wherein the memory includes a set of instructions; and a processing unit connected to the bus system (See Fig. 2, and Paragraph 0048), wherein the processing unit executes the set of instructions to receive a request in which the request includes the universal resource locator (Paragraph 0054) and a user identification (Fig. 4, block 403); and direct the request to a selected application within the set of applications using the universal resource locator and the user identification (Paragraph 0055: set of applications are individual instances of a selected application; Paragraph 0054: user identification converted to JVLSession cookie; Paragraph 0055: URL plus session cookie direct to a specific application instance).

15. As per claims 12 and 14, claims 12 and 14 are rejected for the same reasons as claims 1 and 3.

16. As per claims 21 and 23, claims 21 and 23 are rejected for the same reasons as claims 1 and 3.

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2, 13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang (US Published Application 2001/0047477) in view of Modi et al. (US Patent 6,587,866, hereinafter Modi).

19. As per claim 2, Chiang fails to explicitly teach the method of claim 1, wherein the user identification is an Internet Protocol address of a node originating the request.

20. Modi teaches a method of directing a user request to an instance of an application based on the IP address of the user (col. 10, lines 30-45).

21. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Chiang and Modi to use the IP address of a node associated with the user to select an application because they both deal with routing users to a specific application instance based on user identification.

Furthermore, the teaching of Modi to use the IP address of the node associated with the user allows directing the user to the correct application for client devices and security situations where the use of cookies as taught by Chiang is not available (See Chiang Paragraph 0009).

22. Claims 13 and 22 are rejected for the same reasons as claim 2.

23. Claims 6, 7, 9, 11, 17, 18, 20, 26, 27 and 29 are rejected under 35 U.S.C. 102(e) 35 U.S.C. 103(a) as being unpatentable over Chiang (US Published Application 2001/0047477) in view of House et al. (US Patent 6,188,400, hereinafter House).

24. As per claim 7, Chiang teaches a method in a data processing system for managing access to a plurality of applications, the method comprising (Paragraph 0055: set of applications are individual instances of a selected application): associating the plurality of applications with a first universal resource locator; assigning the plurality of applications with plurality of universal resource locators excluding the first universal resource locator; receiving a request including the first universal resource locator (Paragraph 0054) and an identification of a user (Fig. 4, block 403); and redirecting the request using the first universal resource locator to a particular application within the plurality of applications (Paragraph 0055: set of applications are individual instances of a selected application; Paragraph 0054: user identification converted to JVLSession cookie; Paragraph 0055: URL plus session cookie direct to a specific application instance).

25. Chiang fails to explicitly teach assigning each of the plurality of applications a universal resource locator different from the first locator and using a particular assigned universal resource locator to direct the user to a particular application.

26. House teaches assigning each universal resource locators to each individual application and using the individual applications to direct a request to the specific application (col. 6, lines 63-67; col. 7, lines 31-37).

27. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Chiang and House because they both deal with directing a user request to a specific application. Furthermore, the teaching of House to use a universal resource locator to specify the location of the application would allow specifying different servers for individual applications thus allowing load balancing and addressing specific needs of an individual user.

28. Claim 6 contains the same subject matter as claim 7 and is rejected for the same reasons as claim 7.

29. As per claim 9, Chiang teaches the method of claim 7, wherein the identification is a user name (Paragraph 0055: user name entered to authenticated user and generate session cookie used to direct to a given application).

30. As per claim 11, claim 11 is rejected for the same reasons as claim 7 above.

31. Claim 17 and 26 are rejected for the same reasons as claim 6 above.

32. Claim 18 and 27 are rejected for the same reasons as claim 7 above.

33. As per claims 20 and 29, claims 20 and 29 are rejected for the same reasons as claim 9.

34. Claims 4, 5, 15, 16, 24, and 25 are rejected under 35 U.S.C. 102(e) 35 U.S.C. 103(a) as being unpatentable over Chiang (US Published Application 2001/0047477) in view of Dutta et al. (US Published Application 2004/0015950, Dutta).

35. As per claims 4 and 5, Chiang does not explicitly teach the method of claim 1 further comprising: replacing the selected application with a new selected application and where the selected application is a new version of the selected application.



36. Dutta teaches replacing a selected application on an application server with a new application that is an upgraded version of the selected application (Paragraph 0017 and 0019).

37. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Chiang and Dutta because they both deal with directing a request to an application hosted on a server. Furthermore, the teaching of Dutta to modify the data processing system taught by Chiang to replacing the selected application with a new version would allow testing updated features to users as applications are improved and would provide the benefit of improved application features to users (See Dutta Abstract and Paragraph 0019).

38. Claims 15, 16, 24 and 25 are rejected for the same reasons as claims 4 and 5 above.

39. Claims 8, 19, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang and House as applied to claims 7, 18, and 27 above and further in view of Modi et al. (US Patent 6,587,866, hereinafter Modi).

40. As per claim 8, Chiang does not explicitly teach the method of claim 7, wherein the identification is an Internet Protocol address.

41. Modi teaches a method of directing a user request to an instance of an application based on the IP address of the user (col. 10, lines 30-45).

42. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Chiang and Modi to use the IP address of a node associated with the user to select an application because they both deal with

routing users to a specific application instance based on user identification.

Furthermore, the teaching of Modi to use the IP address of the node associated with the user allows directing the user to the correct application for client devices and security situations where the use of cookies as taught by Chiang is not available (See Chiang Paragraph 0009).

43. Claim 19 and 28 are rejected for the same reasons as claim 8 above.

### ***Conclusion***

44. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Method and apparatus for partitioned environment for web application servers".

- |      |                 |                  |  |
|------|-----------------|------------------|--|
| i.   | US 6,532,488    | Ciarlante et al. | Selecting applications using URL and client identification |
| ii.  | US 2002/0143953 | Aiken            | Using IP address as client identification                  |
| iii. | US 6,697,948    | Rabin et al.     | Using terminal IP address to control access to application |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac R Clark whose telephone number is (571)272-3961. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571)272-3964. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IRC

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